UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

STAN JOSEPH,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:05cv2390 SNL
)	
BI-STATE DEVELOPMENT AGENCY)	
)	
Defendant.)	
	ORDER	

Plaintiff Stan Joseph brought suit against his former employer, Bi-State Development Agency, claiming discriminatory and retaliatory discharge. This is before the Court on Bi-State's Motion to Strike (#19), filed February 23, 2006. Bi-State is seeking to strike Joseph's demand for punitive damages in Count I of his Complaint, which asserts a claim of racial discrimination in violation of: Title VII, 42 U.S.C. 2000e *et seq.*; 42 U.S.C. §§ 1981 and 1983; and 28 U.S.C. §§ 451, 1331, and 1343. As of today's date, Plaintiff has failed to file a responsive pleading to this Motion.

After careful consideration of the Motion, Defendant's Memorandum of Law, and relevant caselaw, the Court will grant Bi-State's Motion. Under 42 U.S.C. § 1981a(b)(1), a complaining party cannot recover punitive damages under Title VII when that suit is brought against a government, government agency, or political subdivision. Bi-State argues that it is a political subdivision, and therefore immune from punitive damages. Upon review of the relevant caselaw, the Court finds no case on point and said caselaw to be somewhat vague as to the defining factors in consideration. However, given the facts that are presently before the Court, the Court is inclined to agree with the

defense, and find Bi-State to be a political subdivision that cannot be sued for punitive damages under Title VII.

Accordingly,

IT IS HEREBY ORDERED that Bi-State's Motion to Strike (#19) is **GRANTED**.

Joseph's claim for punitive damages in Count I of his Complaint is **DISMISSED**.

Dated this 21st day of March, 2006.

SENIOR UNITED STATES DISTRICT JUDGE